

### **REMARKS**

Claims 1-9 are pending. The Office Action rejects claims 1-9 as anticipated by U.S. Patent No. 4,111,347 to Bone. The rejections of claims 1-9 are respectfully traversed at least for the following reasons.

Anticipation is a strict standard in the U.S. patent laws. "A claim is anticipated only if each and every element as set forth in the claims is found, either expressly or inherently described, in a single prior art reference." Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

#### **In particular:**

1. The Office Action rejects independent claim 1 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,111,347 to Bone. This rejection is respectfully traversed. Bone does not disclose a device that includes "a separator for separating said engaged tuft from said connected tufts" where "said connected tufts" are defined in the preamble as "tufts being connected in a series to further such tufts" as specified in claim 1.

2. The Office Action rejects independent claim 2 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,111,347 to Bone. This rejection is respectfully traversed. Bone does not disclose a device that includes "a cutter ... for cutting said engaged tuft from said string" where "said string" is defined in the preamble as "tufts being connected in a series to further such tufts in a string" as specified in claim 2.

3. The Office Action rejects independent claim 3 and claims 4-5 dependent on claim 3 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,111,347 to Bone. This rejection is respectfully traversed. Bone does not disclose a method that includes a step of "providing a tuft, said tuft comprising a retaining link with a tuft element at either end and connected in a series to further such tufts" as specified in claim 3 and therefore contained in claims 4-5 dependent on claim 3.

4. The Office Action rejects independent claim 6 and claims 7-9 dependent on claim 6 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,111,347 to Bone. This rejection is respectfully traversed. Bone does not disclose a method that includes a step of "providing a tuft, said tuft comprising a retaining link with a tuft element at either end and connected in a series to further such tufts" as specified in claim 6 and therefore contained in claims 7-9 dependent on claim 6.

More generally:

Bone '347 discloses a device for dispensing small plastic fasteners to hold layers of material together such as a button to cloth or two layers fabric together. The device according to Bone '347 is not intended or suitable for tufting upholstery. The scale and intended purpose for the respective fasteners and tufts are completely different. On this basis alone, we submit that Bone '347 does not anticipate the present invention.

Then, it should be noted that each of claims 1-9 specifies, either directly or through dependency, that the tufts are "connected in series" to further tufts. In particular, the tufts are supplied from (a string of) tufts joined in series, as described on page 2, lines 1-10 and clearly seen in the embodiment shown in the figures. Thus, the tufts are supplied from a stock in which the tufts are arranged end to end, in series connection.

In contrast, according to the device of Bone '347, the fasteners are supplied from a stock of fasteners in which the fasteners are attached side to side, in parallel arrangement. The parallel arrangement according to Bone '347 appears to be essential in order that the fasteners 61 can be separated from stock 59 by sliding separating member 87 and brought into alignment and engagement with the two needles 91, as shown in Figures 14 to 17 of Bone '347. The embodiment shown in Figures 23 to 25 of Bone '347 uses only one needle. However, according to column 8, lines 54 to 66 of Bone '347, the apparatus for this embodiment is the same as that shown in Figures 14 to 22 except that one of the needles has been merely removed. Therefore, it would not be obvious from Bone '347 to modify the device in such a way that the fasteners were attached in series (end to end) instead of in parallel (side to side).

The relatively large scale tufts used according to the present invention are supplied from a string of tufts joined in series. The 'in series' arrangement allows the leading tuft element to be easily engaged with the needle/engagement means for driving through the upholstery unit. In view of the different types of dispensed elements (tufts versus small plastic fasteners) and different intended uses (tufting upholstery units versus coupling buttons or the like to fabric or coupling two layers of fabric together), it would not be obvious from Bone '347 to supply the fasteners from a stock of fasteners joined in series. To the contrary, the apparatus according to Bone '347 requires that the fasteners be supplied from a stock of fasteners joined in parallel. Accordingly, it is respectfully submitted that the subject matter of claims 1-9 is neither anticipated by, nor obvious from, the disclosure in Bone '347.

In view of the foregoing remarks, reconsideration and prompt allowance of the application is earnestly solicited. Should the Examiner believe that any further action is needed to place the application in condition for allowance, the Examiner is invited to contact the undersigned applications' representative.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,

  
\_\_\_\_\_  
Daniel E. Fisher, Reg. No. 34,162  
Attorney for Applicant

MILLEN, WHITE, ZELANO  
& BRANIGAN, P.C.  
Arlington Courthouse Plaza 1, Suite 1400  
2200 Clarendon Boulevard  
Arlington, Virginia 22201  
Telephone: (703) 243-6333  
Facsimile: (703) 243-6410

Date: August 3, 2004  
DEF:bcf K:\MARKS\3C1\ReplyDue8.18.doc